

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:19-CV-47-H

RENE ROBINSON, individually)
and as ADMINISTRATRIX of the)
ESTATE OF VELVET LEE FOOTE,)

Plaintiff,)

v.)

ORDER

GOLDEN LIVING CENTER a/k/a)
GGNSC HOLDINGS, LLC d/b/a)
SAVA SENIOR CARE, LLC d/b/a)
MACGREGOR DOWNS HEALTH AND
REHABILITATION CENTER and
NEIL KURTZ,

Defendants.

This matter is before the court on plaintiff's application to proceed in forma pauperis as well as defendants' motion to remand. United States Magistrate Judge Kimberly A. Swank filed an Order and Memorandum and Recommendation ("M&R") ordering that Robinson's application to proceed in forma pauperis is GRANTED as to the claims brought in her individual capacity and recommending that any request for the estate to proceed in forma pauperis be denied and that plaintiff's notice of removal be STRICKEN and this matter be remanded to the North Carolina General Court of Justice.

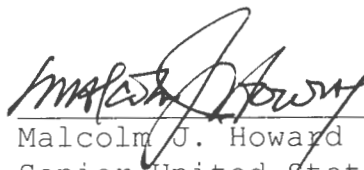
Plaintiff filed objections to the M&R, and defendants filed a motion to remand and for attorney's fees. The court has carefully reviewed plaintiff's objections and finds them to be without merit.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court adopts the recommendation of the magistrate judge as its own and for the reasons stated therein, any request for the estate to proceed in forma pauperis is denied, plaintiff's notice of removal is STRICKEN, and this matter is hereby REMANDED to the North Carolina General Court of Justice.

All other pending motions are deemed moot.

This 3rd day of December 2019.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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